**IN THE CLAIMS:**

Please amend the claims as follows:

1. Cancelled

2. Cancelled

3. Cancelled

4. (Currently Amended) In a digital video television communication system having a headend coupled to a two-way communication medium and at least one digital video settop box coupled to said two-way communication medium, said headend transmitting on a plurality of communication channels including first and second in-band video channels and an out-of-band region having at least one out-of-band communication channel, said first in-band video channel having a first plurality of multiplexed digital video channels ~~and a plurality of data packets in said first video channel, each of said data packets being identified by a packet ID for carrying IP over MPEG data packets~~, said second in-band video channel having a second plurality of multiplexed digital video channels ~~and a plurality of data packets in said second video channel, each of said data packets being identified by a packet ID for carrying IP over MPEG data packets~~, a method of operation comprising:

sending a channel resource request from said settop box to said headend, said channel resource request representing a channel change at said settop box from [[a]] one of the multiplexed digital video ~~channel~~ channels in said first in-band video channel to [[a]] one of the multiplexed digital video ~~channel~~ channels in said second in-band video channel ~~at said settop box~~;

determining whether said second in-band video channel has an available communication channel for ~~downstream~~ transporting IP ~~packet~~ data ~~comprising~~

~~an available packet ID for carrying IP over MPEG data packets~~ in said second in-band video channel using IP over MPEG data packets;

selecting a selected communication channel at said headend by selecting one of:

said ~~available packet ID for downstream IP packet data from said headend to said settop box as a selected~~ available communication channel if said second in-band video channel has ~~an~~ the available communication channel for ~~downstream~~ transporting the IP ~~packet~~ data in said second in-band video channel [[,]]; and ~~selecting at said headend~~

~~an~~ one of the at least one out-of-band communication channel in said out-of-band region of said digital video television communication system ~~for downstream IP packet data from said headend to said settop box as said selected communication channel~~ if said second in-band video channel does not have ~~an~~ the available communication channel for ~~downstream~~ transporting the IP ~~packet~~ data in said second in-band video channel;

sending a channel resource confirmation message from said headend to said settop box, said channel resource confirmation message identifying said selected communication channel ~~to said settop box~~; and

selecting said selected communication channel at said settop box for receiving the ~~downstream~~ IP ~~packet~~ data from said headend.

5. (Original) A method in accordance with claim 4, wherein said selected communication channel is identified in said channel resource confirmation message by a packet ID (PID) for carrying said IP over MPEG data packets on one of said in-band video channels.

6. (Currently Amended) A method in accordance with claim 4, wherein said selected communication channel is identified in said channel resource confirmation message as ~~an~~ the out-of-band communication channel in said out-of-band region of said digital video television communication system.

7. Cancelled

8. Cancelled

9. Cancelled

10. (Currently Amended) In a headend for a digital video television communication system including said headend coupled to a two-way communication medium and at least one digital video settop box coupled to said two-way communication medium, said headend transmitting on a plurality of communication channels including first and second in-band video channels and an out-of-band region having at least one out-of-band communication channel, said first in-band video channel having a first plurality of multiplexed digital video channels ~~and a plurality of data packets in said first video channel, each of said data packets being identified by a packet ID for carrying IP over MPEG data packets~~, said second in-band video channel having a second plurality of multiplexed digital video channels ~~and a plurality of data packets in said second video channel, each of said data packets being identified by a packet ID for carrying IP over MPEG data packets~~, a method of operation comprising:

receiving a channel resource request from said settop box at said headend, said channel resource request representing a channel change at said settop box from [[a]] one of the multiplexed digital video ~~channel~~ channels in said first in-band video channel to [[a]] one of the multiplexed digital video ~~channel~~ channels in said second in-band video channel ~~at said settop box~~;

determining whether said second in-band video channel has an available communication channel for ~~downstream~~ transporting IP ~~packet~~ data ~~comprising an available packet ID for carrying IP over MPEG data packets~~ in said second in-band video channel using IP over MPEG data packets;

selecting a selected communication channel at said headend by selecting one of:

said ~~available packet ID for downstream IP packet data from said headend to said settop box as a selected~~ available communication channel if said second in-band video channel has ~~an~~ the available communication channel for ~~downstream~~ transporting the IP ~~packet~~ data in said second in-band video channel[[,]]; and ~~selecting at said headend~~

~~an~~ one of the at least one out-of-band communication channel in said out-of-band region of said digital video television communication system ~~for downstream IP packet data from said headend to said settop box as said selected communication channel~~ if said second in-band video channel does not have ~~an~~ the available communication channel for ~~downstream~~ transporting the IP ~~packet~~ data in said second in-band video channel; and

sending a channel resource confirmation message from said headend ~~to~~ towards said settop box, said channel resource confirmation message identifying said selected communication channel ~~to said settop box~~.

11. (Original) A headend method in accordance with claim 10, wherein said selected communication channel is identified in said channel resource confirmation message by a packet ID (PID) for carrying said IP over MPEG data packets on one of said in-band video channels.

12. (Currently Amended) A headend method in accordance with claim 10, wherein said selected communication channel is identified in said channel resource confirmation message as an out-of-band communication channel in said out-of-band region of said digital video television communication system.

13. Cancelled

14. Cancelled

15. Cancelled

16. (Currently Amended) In a settop box for a digital video television communication system having a headend coupled to a two-way communication medium and ~~at least one digital video~~ said settop box coupled to said two-way communication medium, said headend transmitting on a plurality of communication channels including first and second in-band video channels and an out-of-band region having at least one out-of-band communication channel, said first in-band video channel having a first plurality of multiplexed digital video channels ~~and a plurality of data packets in said first video channel, each of said data packets being identified by a packet ID for carrying IP over MPEG data packets~~, said second in-band video channel having a second plurality of multiplexed digital video channels ~~and a plurality of data packets in said second video channel, each of said data packets being identified by a packet ID for carrying IP over MPEG data packets, said headend responsive to a channel resource request to select a selected communication channel for downstream IP packet data and send a channel resource confirmation message to said settop box, said channel resource confirmation message identifying said selected communication channel to said settop box~~, a method of operation comprising:

sending ~~said~~ a channel resource request from said settop box ~~to~~ towards said headend, said channel resource request representing a channel change at said settop box from [[a]] one of the multiplexed digital video ~~channel~~ channels in said first in-band video channel to [[a]] one of the multiplexed digital video ~~channel~~ channels in said second in-band video channel, ~~at said settop box~~ wherein said channel resource request is adapted for identifying a selected communication channel at said headend by selecting one of:

an available communication channel in the second in-band video channel if the second in-band video channel has capacity for transporting IP data;

one of the at least one out-of-band communication channel in the out-of-band region of the digital video television communication system if

the second in-band video channel does not have capacity for transporting IP data;

receiving ~~said~~ a channel resource confirmation message identifying said selected communication channel ~~to said settop box~~; and

selecting said selected communication channel at said settop box for adapting the settop box to receive ~~receiving~~ the ~~downstream~~ IP ~~packet~~ data from said headend as IP over MPEG data packets.

17. (Original) A settop method in accordance with claim 16, wherein said selected communication channel is identified in said channel resource confirmation message by a packet ID (PID) for carrying said IP over MPEG data packets on one of said in-band video channels.

18. (Original) A settop method in accordance with claim 16, wherein said selected communication channel is identified in said channel resource confirmation message as an out-of-band communication channel in said out-of-band region of said digital video communication system.

19. (Currently Amended) A digital video television communication system comprising:

a two-way communication medium having a plurality of communication channels including an out-of-band region having at least one out-of-band communication channel and a plurality of in-band video channels, each of the in-band video channels adapted for transporting IP data using a plurality of IP over MPEG data packets ~~including a respective plurality of data packets~~, each of said IP over MPEG data packets being identified by a packet ID ~~for carrying IP over MPEG data packets~~;

a digital video settop box[[,]] coupled to said two-way communication medium, said digital video settop box ~~having~~ comprising:

a digital video settop transmitter for transmitting a channel resource request on the two-way communication medium ~~responsive~~ in response to

a video channel change at said digital video settop box; ~~to transmit a channel resource request on said two-way communication medium, said digital video settop box having~~ and

a digital video settop receiver ~~coupled to said two-way communication system,~~ for receiving ~~said digital video settop receiver responsive to~~ a channel resource confirmation message ~~containing~~ identifying a selected communication channel, said selected communication channel comprising one of an available communication channel in one of the in-band video channels and one of the at least one out-of-band communication channel in said out-of-band region ~~to receive IP over MPEG data packets on said selected communication channel~~; and

a headend coupled to said two-way communication medium, said headend ~~having~~ comprising:

a headend receiver ~~responsive to~~ for receiving said channel resource request; and

a headend transmitter ~~to transmit~~ for transmitting said channel resource confirmation message to said digital video settop box on said two-way communication medium.

20. (Currently Amended) In a digital video television communication system including a two-way communication medium having a plurality of communication channels including ~~in-bandvideo~~ a plurality of in-band video channels, each of the in-band video channels adapted for transporting IP data using ~~including~~ a ~~respective~~ plurality of IP over MPEG data packets, each of said IP over MPEG data packets being identified by a packet ID ~~for carrying IP over MPEG data packets~~, and a headend coupled to said two-way communication medium, said headend adapted for generating ~~responsive to a channel resource request to generate~~ a channel resource confirmation message on said two-way communication medium responsive to a channel resource request, an apparatus comprising:

a digital video settop box, coupled to said two-way communication medium, said digital video settop box ~~having~~ comprising:

a digital video settop transmitter coupled to the two-way communication medium for transmitting a channel resource request on the two-way communication medium ~~responsive~~ in response to a video channel change at said digital video settop box; ~~to transmit said channel resource request on said two-way communication medium, said digital video settop box having~~ and

a digital video settop receiver coupled to said two-way communication system[[,]] for receiving ~~said digital video settop receiver responsive to said~~ a channel resource confirmation message ~~containing~~ identifying a selected communication channel, said selected communication channel comprising one of an available communication channel in one of the in-band video channels and an out-of-band communication channel in an out-of-band region of the digital video television communication system, ~~to receive IP over MPEG data packets on said selected communication channel~~.

21. (Currently Amended) In a digital video television communication system including a settop box coupled to a two-way communication medium having a plurality of communication channels including a plurality of in-band video channels, each of the in-band video channels adapted for transporting IP data using ~~including~~ a ~~respective~~ plurality of IP over MPEG data packets, each of said IP over MPEG data packets being identified by a packet ID ~~for carrying IP over MPEG data packets~~, an apparatus comprising:

a headend coupled to said two-way communication medium, said headend ~~having~~ comprising:

a headend receiver ~~responsive to~~ for receiving a channel resource request from said digital video settop box indicating a video channel change at said digital video settop box[[,]];

a headend selector module coupled to said headend receiver for processing said channel resource request, the headend selector module operable for selecting a selected communication channel by selecting one of:

an available data communication channel from one of said plurality of in-band video channels identified in the channel resource request if the one of said plurality of in-band video channels has available capacity for transporting the IP data; and

an out-of-band communication channel in an out-of-band region of said digital video television communication system if if the one of said plurality of in-band video channels does not have available capacity for transporting the IP data; and

a headend transmitter coupled to said headend selector module ~~said headend transmitter responsive to said channel resource request to transmit~~ for transmitting a channel resource confirmation message in response to the channel resource request, wherein the channel resource confirmation message ~~containing~~ identifies [[a]] the selected communication channel, the selected communication channel adapted for transporting the IP data from the headend towards the digital video settop box ~~for said digital video settop box to receive IP over MPEG data packets on said selected communication channel~~.

22. (Currently Amended) A headend method in accordance with claim 21, ~~wherein said plurality of communication channels further includes in-band video channels and an out-of-band region having at least one out-of-band communication channel,~~ wherein said selected communication channel is identified in said channel resource confirmation message by a packet ID (PID) for carrying said IP over MPEG data packets on one of said in-band video channels.

23. (Currently Amended) A headend method in accordance with claim 21, ~~wherein said plurality of communication channels further includes in-band video channels and an out-of-band region having at least one out-of-band communication channel,~~ wherein said selected communication channel is

identified in said channel resource confirmation message as an out-of-band communication channel in said out-of-band region of said digital video communication system.